

ATTACHMENT TO NOTICE OF ALLOWABILITY

Applicant's Amendments

- 1) Acknowledgment is made of Applicant's amendments filed 12/01/09 and 02/02/10 in response to the non-final Office Action mailed 09/03/09.

Examiner's Amendment

- 2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. The authorization to prepare this Examiner's amendment was provided by attorney William Blackstone during a telephonic interview on 30 April 2010.

- (a) This application has been amended as indicated below.
- (b) Claims 16 and 24 have been cancelled.

The abstract of the instant application as submitted on 12/01/09 has been amended as indicated below:

--The present invention relates to a hybrid bacterial toxin subunit, to a hybrid bipartite bacterial toxin and to nucleic acid molecules comprising a nucleotide sequence encoding such bacterial toxins. Furthermore, the invention relates to vaccines comprising [[said]] bacterial toxins and to their use in vaccines. Finally, the invention relates to methods for the preparation of such vaccines and to the use of such bacterial toxins for the manufacture of such vaccines.--

Status of Claims

- 3) Claims 1, 3, 10 and 14-17 have been amended via the amendment filed 02/02/10.
Claims 4-9, 11-13 and 18-21 have been cancelled via the amendment filed 02/02/10.
New claims 22-25 have been added via the amendment filed 02/02/10.
Claims 16 and 24 have been cancelled via this Examiner's amendment.
Claims 1-3, 10, 14, 15, 17, 22, 23 and 25 are pending and are under prosecution.

Objection(s) Moot

- 4) The objection to claim 16 made in paragraph 11 of the Office Action mailed 09/03/09 is withdrawn in light of the cancellation of the claim.

Objection(s) Withdrawn

- 5)** The objection to the specification made in paragraph 6 of the Office Action mailed 09/03/09 is withdrawn in light of Applicant's amendment to the specification.
- 6)** The objection to claims 1 and 3 made in paragraph 11 of the Office Action mailed 09/03/09 is withdrawn in light of Applicant's amendment to the claims.

Rejection(s) Moot

- 7)** The rejection of claim 16 made in paragraph 8 of the Office Action mailed 09/03/09 under 35 U.S.C § 112, second paragraph, as being indefinite, is moot in light of the cancellation of the claim.
- 8)** The rejection of claim 16 made in paragraph 10 of the Office Action mailed 09/03/09 under 35 U.S.C § 102(b) as being anticipated by Holmgren *et al.* (US 6,019,973), is moot in light of the cancellation of the claim.

Rejection(s) Withdrawn

- 9)** The rejection of claims 1-3, 10, 14, 15 and 17 made in paragraph 8 of the Office Action mailed 09/03/09 under 35 U.S.C § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claims and/or the base claim.
- 10)** The rejection of claims 1, 10, 14 and 17 made in paragraph 10 of the Office Action mailed 09/03/09 under 35 U.S.C § 102(b) as being anticipated by Holmgren *et al.* (US 6,019,973), is withdrawn in light of Applicant's amendment to the claims and/or the base claim.

Remarks

- 11)** Claims 1-3, 10, 14, 15, 17, 22, 23 and 25 are allowed. Claims 10, 14, 15, 17, 22, 23 and 25 are now renumbered as claims 4, 5, 6, 7, 8, 9 and 10 respectively.
- 12)** Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted to the Office' Central Rightfax number 571-273-8300 via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week.
- 13)** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.Mov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

14) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Robert Mondesi, can be reached on (571) 272-0956.

/S. Devi/
Primary Examiner
AU 1645

May, 2010